

CLEAN WATER ACT

R6-2-14-D. Emergency TRO's

1. **AUTHORITY.** Pursuant to the Clean Water Act, including Sections 309, 311, 402(h), 504 and 506, to refer requests for emergency Temporary Restraining Orders to the Department of Justice and to the appropriate United States Attorney.
2. **TO WHOM DELEGATED.** Director, Compliance Assurance and Enforcement Division, Director, Water Division, and Director, Superfund Division who is hereby designated an On-Scene Coordinator.
3. **LIMITATIONS.**
 - a. The Division Director as delegatee of the Regional Administrator must obtain the advance concurrence of the Regional Counsel, or designee, on the legal sufficiency of the referral before exercising this authority. The Regional Counsel, or designee, may waive concurrence in writing.
 - b. The Division Director as delegatee of the Regional Administrator must notify the Assistant Administrator for the Office of Enforcement and Compliance Assurance and the Assistant Administrator for the Office of Water before exercising this authority. The Assistant Administrator for the Office of Enforcement and Compliance Assurance may waive the requirement for notification in writing. With respect to discharges of oil or a hazardous substance under Section 311 of the CWA, the Assistant Administrator for the Office of Land and Emergency Management must also be notified.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may not be further redelegated.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Memorandum of Understanding between the Agency and the Department of Justice, June 1977, 42 Fed. Reg. 48,942 (1977).
 - b. For referral of other civil actions under CWA, see the Chapter 2 delegation entitled "Civil Judicial Enforcement and Administrative Penalty Collections Actions."

REGION 6
DELEGATION

TN-230
January 20, 2017

CLEAN WATER ACT

R6-2-14-D. Emergency TRO's (Contd).

6. **SUPERSESSION.** This Regional Order supersedes Regional Order R6-2-14-D, dated September 17, 1996.



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

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JAN 19 2017

MEMORANDUM

SUBJECT: Delegations of Authority

FROM: Gina McCarthy

TO: Matthew Fritz, Chief of Staff

On Wednesday, January 18, 2017, I signed a number of revisions to EPA Delegations of Authority. In anticipation of my signature on the revised delegations, and to make certain that there were no lapses in authority, many Regional Administrators and Assistant Administrators signed revised re-delegations consistent with my revisions on January 17, 2017. I hereby accept and ratify any such re-delegations as appropriate re-delegations of authority until otherwise revised or revoked. To the extent that any actions taken under the delegated or re-delegated authority described herein may require ratification, such action is hereby approved and ratified.